

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4-5, 17, 21-22, 24-25, 27, 31, 33-35, 42, 50, 52-54, 56 and 59 are pending, with claims 1, 4-5, 17, 21, 24-25, 31, 34-35, 42, 50, 52, 54 and 59 amended, and claim 36 cancelled without prejudice or disclaimer by the present amendment. Claims 1, 31 and 50 are independent.

In the Official Action, claims 1, 4-5, 17, 21-22, 24-25, 27, 31, 33-36, 42, 50, 52-54, 56 and 59 were rejected under 35 U.S.C. § 103(a) as being over Chung (U.S. Patent Pub. No. 2003/0086690) in view of Kelts (U.S. Patent Pub. No. 2001/0030667).

Applicant notes that the Official Action provides no basis of rejection for claim 59, but does provide a basis of rejection for previously cancelled claim 57. Applicant assumes that the Official Action intended to address claim 59 instead of claim 57. Applicant requests that the next Official Action clarify the status of claim 59.

Independent claim 1 is amended to recite the features of previously pending claims 6 and 11-12, respectively. Independent claims 31 and 50 are similarly amended. Claims 1, 4-5, 17, 21, 24-25, 31, 34-35, 42, 50, 52, 54 and 59 are further amended to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Briefly recapitulating, amended claim 1 is directed to

A method for setting a playback environment for a recording medium, the method comprising:

loading, by a device, a start-up file into a temporary storage area, the start-up file including server access information, the server access list comprising a list of external servers to be accessed;

setting, by the device, a system environment according to system environment elements prior to reproducing A/V data recorded on the recording medium,

wherein the system environment elements correspond to at least one of playback right level information, region code information, language information of additional contents associated with the A/V data, and memory management information,

wherein the memory management information identifies a space of the temporary storage area for storing at least one of the start-up file and the additional contents,

wherein the additional contents are to be preloaded in the temporary storage area and are differently designated according to the playback right level information and the region code information;

determining, by the device, an availability of the additional contents based on control data received through a communication network from an external server, the external server storing the additional contents and the control data, the control data listing the additional contents to be preloaded;

preloading, by the device, the additional contents in the temporary storage area as a result of the determining step, the additional contents received from the recording medium or the external server; and

reproducing, by the device, the A/V data and the additional contents loaded in the temporary storage area according to the control data,

wherein said additional contents includes at least one of an HTML file, an image file and a sound file.

Chung describes a method of reproducing data from an interactive optical storage medium in a reproducing apparatus having a memory. Referring to FIGS. 5 through 7 and 11A of Chung, in operation 1110, a file DVD_ENAV.IFO having control information for constituting an initial interactive screen is read from the interactive optical storage medium. *In operation 1120, the device of Chung determines whether the basic fonts to be initially loaded are included in the control information file.* In operation 1121, the basic fonts are loaded into the third memory 960 of FIG. 9 when the basic fonts to be initially loaded *are included* in the control information file. In operation 1130, the data file of the defined interactive screen is read

when the basic fonts to be initially loaded *are not included* in the control information file in step 1120 and after operation 1121.

However, as acknowledged in the Official Action, Chung does not disclose or suggest Applicant's claimed start-up file including server access information. To cure this deficiency, the Official Action applies Kelts. Without conceding the Official Action's findings and assertions, Applicant submits that Chung and Kelts do not disclose or suggest Applicant's clarified feature of "*additional contents...are differently designated according to the playback right level information and the region code information.*" Applicant's rationale follows.

First, Chung does not disclose or suggest any type of playback right level information. That is, Chung's font setting is not the same as or even related to a right of a playback level (e.g., unrestricted, restricted, etc.). Second, Chung does not preload additional contents differently based on a playback right level and region code information. Indeed, the alleged right to set a font in Chung does not affect how additional content are to be preloaded. Kelts does not cure these deficiencies of Chung. Accordingly, amended claim 1 patentably defines over Chung and Kelts for first and second reasons.

Next, while paragraph [0054] of Kelts allegedly cures the acknowledged deficiency of Chung *vis-à-vis* a start-up file that includes server access information, Kelts does not disclose or suggest "a list of external servers to be accessed." That is, paragraph [0054] of Kelts describes XML configuration files for connecting to legacy databases, where the XML configuration files are accessed via the Internet by the entity that deploys the navigation system architecture. However, the authoring tools of Kelts do not include information about a list of external servers to be accessed. Accordingly, amended claim 1 patentably defines over Chung and Kelts for a third reason.

Applicant submits that amended independent claims 31 and 50 patentably define over Chung for reasons similar to those presented above relative to amended independent claim 1.

MPEP § 2131 notes that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Chung does not disclose or suggest all of the features recited in claims 1, 31 and 50, Chung does not anticipate the invention recited in claims 1, 31 and 50, and all claims depending therefrom.

Applicant has considered the remaining applied references and submits that the remaining references do not cure the deficiencies of Chung. As none of the cited art, individually or in combination, disclose or suggest at least the above-noted features of independent claims 1, 31 and 50, Applicant submits the inventions defined by claims 1, 31 and 50, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.

MPEP 2141 notes that prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. MPEP 2141 further notes that the prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, an obviousness-type rejection must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. MPEP 2141 goes on to list exemplary rationales that may support a conclusion of obviousness. However, Applicant submits that the Official Action and the applied references

present no objective evidence that would support an obviousness-type rejection of Applicant's amended claims based on one of these exemplary rationales.

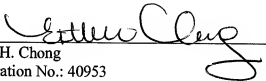
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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